

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON

BRETT A. JOHNSON,

Plaintiff,

vs.

JO ANNE B. BARNHART,  
Commissioner of Social Security,

Defendant

Civil No. C04-5873JKA

ORDER

Based on the stipulation of the parties, it is hereby ORDERED that the above-captioned case be reversed and remanded for further administrative proceedings, including, but not limited to, the following actions: the administrative law judge (ALJ) will further consider the opinions of Brad L. Bates, Ph.D. (Tr. 373-378), Terliee Wingate, Ph.D. (Tr. 366-368), Robert E. Bloomgarden, M.D. (Tr. 364), and Lowell C. Finkleman, M.D. (Tr. 202, 204, 325, 410); the ALJ will consider the lay evidence provided by Terry Mertens, O.T.R./L. (Tr. 399-405), and Daryl A. Capen, M.O.T., O.T.R./L (Tr. 93-109); the ALJ will further evaluate Plaintiff's subjective

1 complaints and credibility; the ALJ will evaluate Plaintiff's mental impairment(s) in accordance  
2 with the special technique described in 20 C.F.R. §§ 404.1520a and 416.920a, documenting  
3 application of the technique in the decision by providing specific findings and appropriate  
4 rationale for each of the functional areas described in 20 C.F.R. §§ 404.1520a and 416.920a; the  
5 ALJ will give further consideration to Plaintiff's maximum residual functional capacity during the  
6 entire period at issue and will provide appropriate rationale with specific references to evidence of  
7 record in support of assessed limitations; and, if warranted by the expanded record, the ALJ will  
8 obtain evidence from a vocational expert to clarify the effect of the assessed limitations on  
9 Plaintiff's occupational base.  
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12 This case is reversed and remanded pursuant to sentence four of 42 U.S.C. § 405(g).

13 DATED this 12<sup>th</sup> day of May, 2005.  
14

15 /s/ J. Kelley Arnold

16 UNITED STATES MAGISTRATE JUDGE  
17

18 Presented by:  
19

20 s/ Daphne Banay

21 Daphne Banay

22 Special Assistant U.S. Attorney

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